

## REMARKS

Claims 1-23 are currently pending in this case, Claim 23 having been amended herein.

In view of the foregoing amendment and the following remarks, the Applicants request favorable reconsideration and allowance of the application.

Applicants have amended Claim 23 to overcome the Examiner's objection. Claim 23 has been amended to correct minor informalities. No new matter has been added and the amendment to Claim 23 is not intended to narrow the scope of the claim.

The Office Action rejects Claims 1-3, 5, 9, 11-14, 16, 20 and 22-23 as anticipated by U.S. Patent No. 6,560,231 (Kawakami). Claim 1 recites "determining an amount of memory bandwidth of a network processor used by each of a plurality of data types." According to the application, "The network processor 102 may receive data via one or more input ports 106. The data may be of one or more data types, such as ATM, Fast Ethernet, and/or Gigabit Ethernet." (Application, page 4, lines 23-25).

To reject Claims 9 and 11, the Office Action asserts that "Kawakami teaches the plurality of data types including an ATM protocol data type [col. 3, lines 39-53]". (Page 3, lines 10-11). Therefore, the Examiner appears to be incorrectly stating that ATM is one data type among others described in Kawakami. However, Applicants respectfully submit that Kawakami does not disclose a plurality of data types, but rather merely "ATM transmission, and more particularly to a bandwidth control method in the ATM transmission that can fulfill required service qualities in the transmission." (Col. 1, lines 6-9). Consequently, Kawakami cannot disclose "determining an amount of memory bandwidth of a network processor used by each of a plurality of data types" as recited in Claim 1. (Emphasis

added). For at least the above reasons, Applicants respectfully submit that Claim 1 and Claims 2, 3, 5, 9 and 11, which depend therefrom, are allowable over the Kawakami patent. Claims 12 and 23 include features that are similar to the features of Claim 1. Therefore, Applicants respectfully submit that Claim 12, Claims 13, 14, 16 20 and 22, which depend therefrom, and Claim 23 are similarly allowable.

The Office Action rejects Claims 6-7 and 17-18 as anticipated by U.S. Patent No. 6,549,515 (Sourani). Claim 1, from which Claims 6-7 depend, recites "a method of self-adjusting allocation of memory bandwidth in a network processor system" including "determining an amount of memory bandwidth of a network processor used by each of a plurality of data types". (Emphases added). Similarly, Claim 12, from which Claims 17-18 depend, recites an apparatus comprising port activation logic, adapted to couple to a memory of a network processor and to interact with the memory so as to "determine an amount of memory bandwidth of the network processor used by each of a plurality of data types". (Emphasis added). Sourani appears to disclose "in general . . . telecommunication systems and methods for their management, and in particular to methods of managing networks, operating under varying traffic loads and to telecommunication systems in which varying demands for bandwidth are managed effectively." (Col. 1, lines 7-12). Therefore, in contrast to memory bandwidth in a network processor, Sourani appears to relate to bandwidth of a telecommunications network. Thus, Sourani does not appear to disclose "determining an amount of memory bandwidth of a network processor used by each of a plurality of data types" as recited in Claim 1 and does not appear to disclose an apparatus comprising port activation logic, adapted to couple to a memory of a network processor and to interact with the memory so as to "determine an amount of memory bandwidth of the network processor used by each of a plurality of

data types" as recited in Claim 12. Consequently, Applicants respectfully submit that Claims 6-7 and 17-18 are allowable.

Further, the Office Action rejects Claims 1-3, 6-9, 11-14, 17-20 and 22-23 as anticipated by U.S. Patent Application Publication No. 2004/0017781 (Alferness). Applicants anticipate being able to make an appropriate showing under either 37 CFR 1.131 or 1.131, to eliminate Alferness as prior art if necessary. However, Applicants do not believe such showing is necessary at this time based upon the Examiner's untenable rejection, but reserve the right to make such showing if the Examiner maintains his rejection based on Alferness.

As stated above, Claim 1 recites "determining an amount of memory bandwidth of a network processor used by each of a plurality of data types", and Claims 12 and 23 include similar features. To reject the claims, the Office Action states:

Alferness teaches in [0040]-[0043] determining an amount of memory bandwidth used by each of the plurality of data types [determining received bandwidth for each virtual channel] and dynamically adjusting the amount of memory bandwidth allocated to at least one of the plurality of the data types based on the determination [if two channels are active, each would receive their nominal bandwidth; if one channel is active, it would receive the entire bandwidth of the path]. (Page 5, lines 9-14).

The Office action appears to incorrectly equate a virtual channel to a data type. However, according to Alferness, "[a]s is familiar to those who are skilled in the art, a 'flow' is a logical connection between a source and a destination. Flows are sometimes referred to as virtual connections or virtual channels (VC's)." (Paragraph 0006, lines 8-11). Therefore, a virtual channel is clearly different than a data type. Consequently, Alferness does not disclose all claimed features of Claims 1, 12

or 23. Thus, Applicants submit Claims 1, 12 and 23, and Claims 2-3, 6-9, 11, 13-14, 17-20 and 22, which depend therefrom, are allowable.

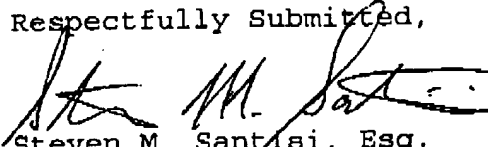
The Office Action rejects Claims 4, 10, 15 and 21 as obvious in light of Kawakami. As stated above, Kawakami does not relate to a plurality of data types, but rather merely to ATM transmission. Consequently, Kawakami does not disclose or suggest "determining an amount of memory bandwidth of a network processor used by each of a plurality of data types" as recited in Claim 1 from which Claims 4 and 10 depend. (Emphasis added). Claim 12, from which Claims 15 and 21 depend, includes features that are similar to the features of Claim 1. For at least the above reasons, Applicants respectfully submit that Claims 4, 10, 15 and 21 are allowable over the Kawakami patent.

The Office Action rejects Claims 8 and 19 as obvious in light of Sourani. To reject Claims 8 and 19, the Office Action appears to rely on the proposition that Sourani discloses all features of Claims 1 and 12, respectively. However, Applicants assert that this proposition is incorrect. Sourani does not disclose or suggest all features of Claim 1 from which Claim 8 depends and does not disclose or suggest all features of Claim 12 from which Claim 19 depends. For at least the above reasons, Applicants respectfully submit that Claims 8 and 19 are allowable over the Sourani patent.

For the above reasons, Applicants respectfully submit that independent Claims 1, 12 and 23 are patentable over the cited references. Claims 2-11 and 13-22 which depend therefrom are submitted as being allowable for at least the same reasons. Passage to issue is respectfully solicited.

Applicants do not believe any fees are due regarding this amendment. If any fees are required, however, please charge Deposit Account No. 04-1696. Applicants encourage the Examiner to telephone the Applicants' attorney should any issues remain.

Respectfully Submitted,



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